

General Assembly

Bill No. 6688

January Session, 2005

LCO No. 3466

03466____

Referred to Committee on Human Services

Introduced by:

REP. WARD, 86th Dist. SEN. DELUCA, 32nd Dist.

AN ACT IMPLEMENTING THE GOVERNOR'S BUDGET RECOMMENDATIONS WITH RESPECT TO SOCIAL SERVICES PROGRAMS.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

- 1 Section 1. Subsection (g) of section 17b-261 of the general statutes is
- 2 repealed and the following is substituted in lieu thereof (Effective July
- 3 1, 2005):
- 4 (g) To the extent permitted by federal law, Medicaid eligibility shall
- 5 be extended for [two years] one year to a family that becomes
- 6 ineligible for medical assistance under Section 1931 of the Social
- 7 Security Act [while] due to income from employment by one of its
- 8 members who is a caretaker relative [is employed] or due to receipt of
- 9 child support income or a family with an adult who, within six months
- 10 of becoming ineligible under Section 1931 of the Social Security Act
- 11 becomes employed.
- 12 Sec. 2. Subsection (b) of section 17b-104 of the general statutes is
- 13 repealed and the following is substituted in lieu thereof (Effective July

14 1, 2005):

- 15 (b) On July 1, 1988, and annually thereafter, the commissioner shall 16 increase the payment standards over those of the previous fiscal year 17 under the aid to families with dependent children program, temporary 18 family assistance program and the state-administered general 19 assistance program by the percentage increase, if any, in the most 20 recent calendar year average in the consumer price index for urban 21 consumers over the average for the previous calendar year, provided 22 the annual increase, if any, shall not exceed five per cent, except that 23 the payment standards for the fiscal years ending June 30, 1992, June 24 30, 1993, June 30, 1994, June 30, 1995, June 30, 1996, June 30, 1997, June 25 30, 1998, June 30, 1999, June 30, 2000, June 30, 2001, June 30, 2002, June 26 30, 2003, June 30, 2004, [and] June 30, 2005, June 30, 2006, and June 30, 27 2007, shall not be increased. On January 1, 1994, the payment 28 standards shall be equal to the standards of need in effect July 1, 1993.
- Sec. 3. Subsection (a) of section 17b-106 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2005):
 - (a) On July 1, 1985, the Commissioner of Social Services shall increase the adult payment standards for the state supplement to the federal Supplemental Security Income Program by four and three-tenths per cent over the standards for the fiscal year ending June 30, 1985, provided the commissioner shall apply the appropriate disregards. Notwithstanding the provisions of any regulation to the contrary, effective July 1, 1994, the commissioner shall reduce the appropriate unearned income disregard for recipients of the state supplement to the federal Supplemental Security Income Program by seven per cent, provided if sufficient funds are available within accounts in the Department of Social Services and are transferred to the old age assistance account, the aid to the blind account and the aid to the disabled account, the commissioner shall increase the unearned income disregard for recipients of the state supplement to the federal

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46 Supplemental Security Income Program to a level not to exceed that in 47 effect on June 30, 1994. On July 1, 1989, and annually thereafter, the 48 Commissioner of Social Services shall increase the adult payment 49 standards over those of the previous fiscal year for the state 50 supplement to the federal Supplemental Security Income Program by 51 the percentage increase, if any, in the most recent calendar year 52 average in the consumer price index for urban consumers over the average for the previous calendar year, provided the annual increase, 53 54 if any, shall not exceed five per cent, except that the adult payment 55 standards for the fiscal years ending June 30, 1993, June 30, 1994, June 56 30, 1995, June 30, 1996, June 30, 1997, June 30, 1998, June 30, 1999, June 57 30, 2000, June 30, 2001, June 30, 2002, June 30, 2003, June 30, 2004, [and] 58 June 30, 2005, June 30, 2006, and June 30, 2007, shall not be increased. 59 Effective October 1, 1991, the coverage of excess utility costs for 60 recipients of the state supplement to the federal Supplemental Security 61 Income Program is eliminated. Notwithstanding the provisions of this 62 section, the Commissioner of Social Services may increase the personal 63 needs allowance component of the adult payment standard as 64 necessary to meet federal maintenance of effort requirements.

Sec. 4. Section 17b-7a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

The Commissioner of Social Services shall develop a state-wide fraud early detection system. The purpose of such system shall be to identify, investigate and determine if an application for assistance under (1) the temporary family assistance program, (2) the food stamp program, (3) the child care subsidy program, or [(3)] (4) the Medicaid program pursuant to Title XIX of the Social Security Act is fraudulent prior to granting assistance. The commissioner shall adopt regulations, in accordance with chapter 54, for the purpose of developing and implementing said system.

Sec. 5. Subsection (a) of section 17b-280 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July*

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78 1, 2005):

- 79 (a) The state shall reimburse for all legend drugs provided under 80 the Medicaid, state-administered general assistance, ConnPACE and 81 Connecticut AIDS drug assistance programs at the lower of (1) the rate 82 established by the [Health Care Finance Administration] Centers for 83 <u>Medicare and Medicaid Services</u> as the federal acquisition cost, or [, if 84 no such rate is established, the commissioner shall establish and 85 periodically revise the estimated acquisition cost in accordance with 86 federal regulations] (2) the average wholesale price minus fifteen per 87 cent. The commissioner shall also establish a professional fee of three 88 dollars [and fifteen cents] for each prescription to be paid to licensed 89 pharmacies for dispensing drugs to Medicaid, ConnPACE and 90 Connecticut AIDS drug assistance recipients in accordance with 91 federal regulations; and on and after September 4, 1991, payment for 92 legend and nonlegend drugs provided to Medicaid recipients shall be 93 based upon the actual package size dispensed. Effective October 1, 94 1991, reimbursement for over-the-counter drugs for such recipients 95 shall be limited to those over-the-counter drugs and products 96 published in the Connecticut Formulary, or the cross reference list, 97 issued by the commissioner. The cost of all over-the-counter drugs and 98 products provided to residents of nursing facilities, chronic disease 99 hospitals, and intermediate care facilities for the mentally retarded 100 shall be included in the facilities' per diem rate.
- Sec. 6. Section 17b-261d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):
 - The Commissioner of Social Services [shall] <u>may</u> design and implement a care enhancement and disease management initiative, [which] <u>if such initiative is determined to be cost effective by the commissioner. The</u> initiative shall provide for an integrated and systematic approach for managing the health care needs of high cost Medicaid recipients. Notwithstanding any provision of the general statutes, the commissioner may contract with an entity to effectuate the

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- purposes of this section, provided such entity has an established and
- demonstrated capability in the design and implementation of a disease
- management initiative. [The] <u>If implemented, the</u> commissioner shall
- 113 report annually on the status of the care enhancement and disease
- management initiative to the joint standing committees of the General
- 115 Assembly having cognizance of matters relating to appropriations and
- the budgets of state agencies and human services.
- 117 Sec. 7. Subsection (h) of section 17b-292 of the general statutes is
- 118 repealed and the following is substituted in lieu thereof (Effective July
- 119 1, 2005):
- 120 (h) Not more than twelve months after the determination of
- 121 eligibility for benefits under the HUSKY Plan, Part A and Part B and
- annually thereafter, the commissioner or the servicer, as the case may
- be, shall determine if the child continues to be eligible for the plan. The
- 124 commissioner or the servicer shall mail an application form to each
- participant in the plan for the purposes of obtaining information to
- make a determination on eligibility. [To the extent permitted by federal
- law, in determining eligibility for benefits under the HUSKY Plan, Part
- 128 A and Part B with respect to family income, the commissioner or the
- 129 servicer shall rely upon information provided in such form by the
- 130 participant unless the commissioner or the servicer has reason to
- 131 believe that such information is inaccurate or incomplete.] The
- determination of eligibility shall be coordinated with health plan open
- 133 enrollment periods.
- Sec. 8. Subsection (g) of section 17b-239 of the general statutes is
- repealed and the following is substituted in lieu thereof (Effective July
- 136 1, 2005):
- 137 (g) Effective June 1, 2001, the commissioner shall establish inpatient
- 138 hospital rates in accordance with the method specified in regulations
- adopted pursuant to this section and applied for the rate period
- beginning October 1, 2000, except that the commissioner shall update
- each hospital's target amount per discharge to the actual allowable cost

142 per discharge based upon the 1999 cost report filing multiplied by 143 sixty-two and one-half per cent if such amount is higher than the target 144 amount per discharge for the rate period beginning October 1, 2000, as 145 adjusted for the ten per cent incentive identified in Section 4005 of Public Law 101-508. If a hospital's rate is increased pursuant to this 146 147 subsection, the hospital shall not receive the ten per cent incentive 148 identified in Section 4005 of Public Law 101-508. For rate periods 149 beginning October 1, 2001, through March 31, 2008, the commissioner 150 shall not apply an annual adjustment factor to the target amount per 151 discharge. Effective April 1, 2005, the revised target amount per 152 discharge for each hospital with a target amount per discharge less 153 than three thousand seven hundred fifty dollars shall be three 154 thousand seven hundred fifty dollars. Effective [April] October 1, 2006, 155 the revised target amount per discharge for each hospital with a target 156 amount per discharge less than four thousand dollars shall be four 157 thousand dollars. Effective [April] October 1, 2007, the revised target 158 amount per discharge for each hospital with a target amount per 159 discharge less than four thousand two hundred fifty dollars shall be 160 four thousand two hundred fifty dollars.

- Sec. 9. Subsection (a) of section 7-127d of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2005):
- (a) There is established a neighborhood youth center grant program which shall be administered by the Office of Policy and Management, except that operation of the program shall be suspended for the fiscal years ending June 30, 2004, [and] June 30, 2005, June 30, 2006, and June 30, 2007.
- Sec. 10. (NEW) (*Effective July 1, 2005*) To the extent permitted under 42 CFR 447.54, each Medicaid recipient shall pay a copayment of three dollars (1) per visit for outpatient medical services delivered by an enrolled Medicaid provider, and (2) for each prescription drug at the time the prescription is filled.

Sec. 11. (NEW) (Effective July 1, 2005) (a) The Commissioner of Social Services shall seek a waiver from federal law for the purpose of enhancing the enrollment of HUSKY Plan, Part A recipients in available employer sponsored private health insurance. Such a waiver shall include, but shall not be limited to, provisions that: (1) Require the enrollment of HUSKY Plan, Part A caretaker relatives and dependents in any available employer sponsored health insurance to the maximum extent of available coverage as a condition of eligibility; (2) require a subsidy to be paid directly to the HUSKY Plan, Part A caretaker relative in an amount equal to the premium payment requirements of any available employer sponsored health insurance paid by way of payroll deduction; and (3) assure HUSKY Plan, Part A coverage requirements for medical assistance not covered by any available employment sponsored health insurance.

- (b) Notwithstanding any provision of the general statutes or any provision established in a contract between an employer and a health insurance carrier, no HUSKY Plan, Part A recipient, required to enroll in available employer sponsored health insurance under this section, shall be prohibited from enrollment due to limitations on enrollment of employees in employer sponsored health insurance to open enrollment periods.
- (c) The Commissioner of Social Services, pursuant to section 17b-10 of the general statutes, may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures as regulation, provided the commissioner prints notice of the intent to adopt the regulation in the Connecticut Law Journal not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations are adopted.
- Sec. 12. Section 17b-295 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

- (a) The commissioner shall impose cost-sharing requirements including the payment of a premium or copayment in connection with services provided under the HUSKY Plan, Part B, to the extent permitted by federal law, and in accordance with the following limitations:
- 211 (1) On and after [October 1, 2003] July 1, 2005, the commissioner 212 [may] shall increase the maximum annual aggregate cost-sharing 213 requirements provided that such cost-sharing requirements shall not 214 exceed five per cent of the family's gross annual income. The 215 commissioner [may] shall impose a premium requirement on families, 216 whose income exceeds one hundred eighty-five per cent of the federal 217 poverty level but does not exceed two hundred thirty-five per cent of 218 the federal poverty level as a component of the family's cost-sharing 219 responsibility provided the family's annual combined premiums and 220 copayments do not exceed the maximum annual aggregate cost-221 sharing requirement; and
- 222 (2) The commissioner shall require each managed care plan to 223 monitor copayments and premiums under the provisions of 224 subdivision (1) of this subsection.
- (b) (1) Except as provided in subdivision (2) of this subsection, the commissioner may impose limitations on the amount, duration and scope of benefits under the HUSKY Plan, Part B.
- 228 (2) The limitations adopted by the commissioner pursuant to 229 subdivision (1) of this subsection shall not preclude coverage of any 230 item of durable medical equipment or service that is medically 231 necessary.
- Sec. 13. Subsection (a) of section 17b-790a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July* 1, 2005):
- 235 (a) The Commissioner of Social Services, within available

236 appropriations, shall establish a food assistance program for 237 individuals entering the United States prior to April 1, 1998, whose 238 immigrant status meets the eligibility requirements of the federal Food 239 Stamp Act of 1977, as amended, but who are no longer eligible for food 240 stamps solely due to their immigrant status under Public Law 104-193. 241 Individuals who enter the United States after April 1, 1998, must have 242 resided in the state for six months prior to becoming eligible for the 243 state program. In no event shall an application for assistance under 244 this section be granted after June 30, 2005. The commissioner may 245 administer such program in accordance with the provisions of the federal food stamp program, except those pertaining to the 246 247 determination of immigrant status under Public Law 104-193. Food 248 assistance program benefits provided to eligible individuals under this 249 subsection that are in effect on June 30, 2005, shall remain in effect 250 without increase.

- Sec. 14. Section 17b-112c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):
 - (a) Qualified aliens, as defined in Section 431 of Public Law 104-193, who do not qualify for federally-funded cash assistance, other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law shall be eligible for [solely state-funded temporary family assistance or cash assistance under the state-administered general assistance program, provided other conditions of eligibility are met. Qualified aliens, as defined in Section 431 of Public Law 104-193, who do not qualify for federally-funded cash assistance, other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law, who would otherwise have been eligible for assistance under the temporary family assistance program regardless of citizenship status, shall not be eligible for benefits under this section. An individual who is granted assistance under this section must pursue citizenship to the maximum extent allowed by law as a condition of eligibility unless incapable of doing so due to a medical problem, language barrier or

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- 269 other reason as determined by the Commissioner of Social Services. 270 Notwithstanding the provisions of this section, any qualified alien or 271 other lawfully residing immigrant alien or alien who formerly held the 272 status of permanently residing under color of law who is a victim of
- 273 domestic violence or who has mental retardation shall be eligible for
- 274 assistance under this section.

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- (b) Notwithstanding the provisions of subsection (a) of this section: 276 (1) A qualified alien admitted into the United States on or after August 22, 1996, or other lawfully residing immigrant alien determined eligible for [temporary family assistance or] cash assistance under the state-administered general assistance program prior to July 1, 1997, or other lawfully residing immigrant alien or alien who formerly held the 280 status of permanently residing under color of law, shall remain 282 eligible, and (2) a qualified alien, other lawfully residing immigrant alien admitted into the United States on or after August 22, 1996, other lawfully residing immigrant alien or an alien who formerly held the status of permanently residing under color of law and not determined eligible prior to July 1, 1997, shall be eligible for such assistance 287 subsequent to six months from establishing residency in this state. Qualified aliens, other lawfully residing immigrant aliens admitted 289 into the United States on or after August 22, 1996, other lawfully 290 residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law, who would otherwise have 292 been eligible for assistance under the temporary family assistance 293 program, regardless of citizenship status, shall not be eligible for 294 benefits under this section.
 - (c) Notwithstanding the provisions of this section, a qualified alien or other lawfully residing immigrant alien or alien who formerly held the status of permanently residing under color of law who is a victim of domestic violence or who has mental retardation shall be eligible for assistance under this section.
- 300 Sec. 15. Section 17b-257b of the general statutes is repealed and the

following is substituted in lieu thereof (*Effective July 1, 2005*):

302 Qualified aliens, as defined in Section 431 of Public Law 104-193, 303 admitted into the United States on or after August 22, 1996, other 304 lawfully residing immigrant aliens or aliens who formerly held the 305 status of permanently residing under color of law who have been 306 determined eligible for [Medicaid or for] state-administered general 307 assistance medical aid prior to July 1, 1997, may be eligible for [state-308 funded medical assistance which shall provide coverage to the same 309 extent as the Medicaid program, state-administered general assistance 310 medical aid or the HUSKY Plan, Part B provided other conditions of 311 eligibility are met. Such qualified aliens or lawfully residing immigrant 312 aliens or aliens who formerly held the status of permanently residing 313 under color of law who have not been determined eligible for 314 [Medicaid or for] state-administered general assistance medical aid 315 prior to July 1, 1997, shall be eligible for state-funded assistance or the 316 HUSKY Plan, Part B subsequent to six months from establishing 317 residency in this state. Qualified aliens, as defined in Section 431 of Public Law 104-93, admitted into the United States on or after August 318 319 22, 1996, other lawfully residing immigrant aliens or aliens who formerly held the status of permanently residing under color of law, 320 321 who would have been eligible for assistance under Medicaid, 322 regardless of citizenship status, shall not be eligible for benefits under 323 this section. Notwithstanding the provisions of this section, any 324 qualified alien or other lawfully residing immigrant alien or alien who 325 formerly held the status of permanently residing under color of law 326 who is a victim of domestic violence or who has mental retardation 327 shall be eligible for [state-funded] assistance under state-administered 328 general assistance medical aid or the HUSKY Plan, Part B pursuant to 329 this section. [Only individuals who are not eligible for Medicaid shall 330 be eligible for state-funded assistance pursuant to this section.]

Sec. 16. Section 17b-802 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective July 1, 2005*):

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(a) The Commissioner of Social Services shall establish, within available appropriations, and administer a security deposit guarantee program for persons who (1) (A) are recipients of temporary family assistance, aid under the state supplement program, or stateadministered general assistance, or (B) have a documented showing of financial need, and (2) (A) are residing in emergency shelters or other emergency housing, cannot remain in permanent housing due to any reason specified in subsection (a) of section 17b-808, or are served a notice to quit in a summary process action instituted pursuant to chapter 832, or (B) have a rental assistance program or federal Section 8 certificate or voucher. Under such program, the Commissioner of Social Services may provide security deposit guarantees for use by such persons in lieu of a security deposit on a rental dwelling unit. Eligible persons may receive a security deposit guarantee in an amount not to exceed the equivalent of two months' rent on such rental unit. No person may apply for and receive a security deposit guarantee more than once in any [eighteen-month] five-year period without the express authorization of the Commissioner of Social Services, except as provided in subsection (b) of this section. The Commissioner of Social Services may establish priorities for [allocating] providing security deposit guarantees [between] to eligible persons described in subparagraphs (A) and (B) of subdivision (2) of this subsection, in order to administer the program within available appropriations.

(b) In the case of any person who qualifies for a guarantee, the Commissioner of Social Services, or any emergency shelter under contract with the Department of Social Services to assist in the administration of the security deposit guarantee program established pursuant to subsection (a) of this section, may execute a written agreement to pay the landlord for any damages suffered by the landlord due to the tenant's failure to comply with such tenant's obligations as defined in section 47a-21, provided the amount of any such payment shall not exceed the amount of the requested security deposit. Notwithstanding the provisions of subsection (a) of this section, if a person who has previously received a grant for a security

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deposit or a security deposit guarantee becomes eligible for a subsequent security deposit guarantee within [eighteen months] five <u>years</u> after a claim has been paid on a prior security deposit guarantee, such person may receive a security deposit guarantee. The amount of the subsequent security deposit guarantee for which such person would otherwise have been eligible shall be reduced by (1) any amount of a previous grant which has not been returned to the department pursuant to section 47a-21, or (2) the amount of any payment made to the landlord for damages pursuant to this subsection.

- (c) Any payment made pursuant to this section to any person receiving temporary family assistance, aid under the state supplement program or state-administered general assistance shall not be deducted from the amount of assistance to which the recipient would otherwise be entitled.
- (d) On and after July 1, 2000, no special need or special benefit payments shall be made by the commissioner for security deposits from the temporary family assistance, state supplement, or state-administered general assistance programs.
- (e) The Commissioner of Social Services may, within available appropriations, on a case-by-case basis, provide a security deposit grant to a person eligible for the security deposit guarantee program established under subsection (a) of this section, in an amount not to exceed the equivalent of one month's rent on such rental unit provided the commissioner determines that emergency circumstances exist which threaten the health, safety or welfare of a child who resides with such person. Such person shall not be eligible for more than one such grant without the authorization of said commissioner. Nothing in this section shall preclude the approval of such one-month security deposit grant in conjunction with a one-month security deposit guarantee.
- 397 (f) The Commissioner of Social Services may provide a security 398 deposit grant to a person receiving such grant through any emergency

shelter under an existing contract with the Department of Social Services to assist in the administration of the security deposit program, but in no event shall a payment be authorized after October 1, 2000. Nothing in this section shall preclude the commissioner from entering into a contract with one or more emergency shelters for the purpose of issuing security deposit guarantees.

(g) The Commissioner of Social Services shall adopt regulations, in accordance with the provisions of chapter 54, to administer the program established pursuant to this section and to set eligibility criteria for the program, but may implement the program [until June 30, 2003,] while in the process of adopting such regulations provided notice of intent to adopt the regulations is published in the Connecticut Law Journal [within] not later than twenty days after the date of implementation of the program.

Sec. 17. (NEW) (Effective July 1, 2005) The Commissioner of Social Services shall establish prior authorization procedures under the Medicaid program for (1) admissions and lengths of stay in chronic disease hospitals; (2) free-standing detoxification centers; and (3) home health services, including, but not limited to, each episode of care requiring skilled nursing visits and each request for more than fourteen hours per week of home health aide visits. The Commissioner of Social Services may contract with an entity for administration of any such aspect of prior authorization or may expand the scope of an existing contract with an entity that performs utilization review services on behalf of the department. The commissioner, pursuant to section 17b-10 of the general statutes, may implement policies and procedures necessary to administer the provisions of this section while in the process of adopting such policies and procedures as regulation, provided the commissioner prints notice of intent to adopt regulations in the Connecticut Law Journal not later than twenty days after the date of implementation. Policies and procedures implemented pursuant to this section shall be valid until the time final regulations are adopted.

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This act shall take effect as follows and shall amend the following		
sections:		
Section 1	July 1, 2005	17b-261(g)
Sec. 2	July 1, 2005	17b-104(b)
Sec. 3	July 1, 2005	17b-106(a)
Sec. 4	July 1, 2005	17b-7a
Sec. 5	July 1, 2005	17b-280(a)
Sec. 6	July 1, 2005	17b-261d
Sec. 7	July 1, 2005	17b-292(h)
Sec. 8	July 1, 2005	17b-239(g)
Sec. 9	July 1, 2005	7-127d(a)
Sec. 10	July 1, 2005	New section
Sec. 11	July 1, 2005	New section
Sec. 12	July 1, 2005	17b-295
Sec. 13	July 1, 2005	17b-790a(a)
Sec. 14	July 1, 2005	17b-112c
Sec. 15	July 1, 2005	17b-257b
Sec. 16	July 1, 2005	17b-802
Sec. 17	July 1, 2005	New section

Statement of Purpose:

To implement the Governor's budget recommendations.

[Proposed deletions are enclosed in brackets. Proposed additions are indicated by underline, except that when the entire text of a bill or resolution or a section of a bill or resolution is new, it is not underlined.]